

HOUSE BILL NO. 19

INTRODUCED BY B. WADDILL

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE SHORTFALL IN GENERAL FUND REVENUE BY REDUCING THE SALARY OF EXECUTIVE BRANCH OFFICIALS FOR THE REMAINDER OF THE CURRENT FISCAL YEAR AND REDUCING LEGISLATOR SALARIES IN SUCCEEDING LEGISLATIVE SESSIONS; AMENDING SECTIONS 2-16-405 AND 5-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-16-405, MCA, is amended to read:

"2-16-405. Salaries of certain elected state officials. (1) The salaries paid to the following elected officials are determined as provided in subsection (2):

- (a) governor;
- (b) lieutenant governor;
- (c) attorney general;
- (d) state auditor;
- (e) superintendent of public instruction;
- (f) public service commission presiding officer;
- (g) public service commissioners, other than presiding officer;
- (h) secretary of state;
- (i) clerk of the supreme court.

(2) Before June 30 of each even-numbered year, the department of administration shall conduct a salary survey of executive branch officials with similar titles to the Montana officials listed in subsection (1) for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the salary for the Montana official in determining the average salary for the officials with similar titles. If the average salary is greater than the salary for the official in Montana, then beginning July 1 of the year following the year in which the survey is conducted, the average salary is the new salary for the official. In conducting the salary survey for years beginning on or after June 30, 2003, the department shall include the salary for a Montana official at the

1 level in effect on July 1, 2002.

2 (3) From September 1, 2002, through June 30, 2003, the salary for each official listed in subsection (1)
3 is reduced to the amount that each official was paid on June 30, 2001."

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5 **Section 2.** Section 5-2-301, MCA, is amended to read:

6 **"5-2-301. Compensation and expenses for members while in session.** (1) Legislators are entitled
7 to a salary commensurate to that of the daily rate of an entry grade 10 classified state employee in effect ~~when~~
8 in the regular session of the legislature prior to that in which they serve ~~is convened under 5-2-103~~ for those days
9 during which the legislature is in session. The president of the senate and the speaker of the house must receive
10 an additional \$5 a day in salary for those days during which the legislature is in session.

11 (2) Legislators may serve for no salary.

12 (3) Subject to subsection (4), legislators are entitled to a daily allowance, 7 days a week, during a
13 legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must
14 stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

15 (4) After November 15, and prior to December 15 of each even-numbered year, the department of
16 administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North
17 Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance
18 for Montana legislators in determining the average daily rate for legislators. The department shall include only
19 states with specific daily allowances in the calculation of the average. If the average daily rate is greater than
20 the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which
21 the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the
22 percentage rate increase as determined by the survey, a cost of living increase to reflect inflation that is
23 calculated pursuant to 15-6-134, or 5%, whichever is less. The expense allowance is effective when the next
24 regular session of the legislature in which the legislators serve is convened under 5-2-103.

25 (5) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the
26 place of the holding of the session and to return to their place of residence at the conclusion of the session.

27 (6) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an
28 appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

29 (a) three additional round trips to their place of residence during each regular session; and

30 (b) additional round trips as authorized by the legislature during special session.

(7) Legislators are not entitled to any additional mileage allowance under subsection (5) for a special session if it is convened within 7 days of a regular session."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [Section 2] applies to legislator salaries for the legislative session convening in January 2003.

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